IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

PETITION NO.18 OF 2006

RE: Mr.Suresh G.Motwani ...Debtor

EX-PARTE :

Infrastructure Leasing & Financial Services Ltd. ...Ptg.Creditor

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None appears for Debtor.

Mr.V.R.Dhond i/b M/s.Negandhi, Shah & Himayatullah for Petitioning Creditor.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 20, 2007.

P.C.

1. The present Petition is founded on the decree passed by the Court against debtor on 7th/12th July 2004 in Summary Suit No.3234 of 2002. As the debtor failed to pay the amount, Insolvency Notice No.N/342 of 2004 dated 1st November 2004 was issued, which was duly served on the debtor by publication on 28th January 2005. Inspite of service, debtor failed to pay the decretal amount.

2. The debtor took out Notice of Motion No.37 of 2005 on 4th March 2005 for setting aside the insolvency notice, which was dismissed on 17th January 2006. In that sense, act of insolvency was completed on 17th January 2007.

3. As the debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 10th April 2006. The debtor has been duly served on 10th November 2006 by way of substituted service as per the liberty given to the Petitioning creditor to effect service by substituted mode. Inspite of such service, none appears for the debtor. No reply has been filed.

4. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clauses (a) and (c).

. Ordered accordingly.

A.M.KHANWILKAR, J.